

M.C. Sungaila in Law360: 3 Things to Watch After Fed's Split on Trans Worker Rights

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M.C. Sungaila, Haynes Boone partner, recently talked with *Law360* about a pending U.S. Supreme Court case that is expected to address whether transgender and gay workers are protected from discrimination by Title VII of the Civil Rights Act. A side issue is a rift between federal agencies: the U.S. Department of Justice's position is that discrimination based on gender identity is not covered under Title VII of the Civil Rights Act, a position at odds with the U.S. Equal Employment Opportunity Commission.

Here is an excerpt of the article:

Haynes Boone Partner M.C. Sungaila, whose practice focuses on appellate litigation, noted that the solicitor general's office gave the National Labor Relations Board permission to represent itself in a Supreme Court case last year involving the legality of class action waivers. In that case, which began during the Obama administration, the solicitor general's office switched positions in the early months of the Trump administration.

"The court sided with the SG in that case," Sungaila said. "Indeed, with the current composition of the court, the court may side with the Trump administration over the agency in this case too, if the [EEOC] were to take a different position here."

Sungaila also noted that while previous EEOC commissioners could themselves ask the justices for permission to participate as amici, it is "unlikely that any of the current commissioners would break rank and file their own individual briefs" if the solicitor general doesn't give the EEOC permission to represent itself separately.

"But then, it is an unusual time — when agencies and the Department of Justice have taken different positions in the same case — and anything seems possible," Sungaila added.

To read the full *Law360* article, click [here](#). (Subscription required)